

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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BIGOS PROPERTIES-SILVER LAKE,  
LLC,

Case No. 17-CV-1041 (PJS/KMM)

Plaintiff,

v.

ORDER

PATRICIA JONES,

Defendant.

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Gregory M. Miller, TREPANIER MACGILLIS BATTINA, for plaintiff.

Patricia Jones, pro se.

Defendant Patricia Jones removed this eviction action from state court. Because Jones did not allege any basis for federal jurisdiction, Magistrate Judge Katherine M. Menendez issued an order to show cause why this case should not be remanded to state court. Jones failed to respond. Accordingly, Judge Menendez issued a Report and Recommendation (“R&R”) recommending that this action be remanded. No objections have been filed and, having conducted a de novo review, *see* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b), the Court agrees with Judge Menendez’s recommendation and adopts the R&R.

Also pending before the Court is the motion of non-party Lirico Fennell to intervene. Fennell is apparently Jones’s roommate. His motion consists of a set of

papers assembled loosely in the form of a complaint that names himself and Jones as plaintiffs and purports to allege a number of federal and state claims.

As noted, this is an eviction action brought by plaintiff Bigos Properties-Silver Lake, LLC, a limited-liability company, against Jones. The complaint that Fennell has filed is not the operative complaint in this case. As there is no basis for the Court to assert jurisdiction over the operative complaint, Fennell's motion to intervene is moot.

#### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court ADOPTS the R&R [ECF No. 5]. IT IS HEREBY ORDERED THAT:

1. This matter is REMANDED to the Minnesota District Court, Second Judicial District.
2. Defendant Patricia Jones's application to proceed *in forma pauperis* [ECF No. 2] is DENIED as moot.
3. Movant Lirico Fennell's motion to intervene [ECF No. 6] is DENIED as moot.

Dated: May 22, 2017

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge